

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ATARI INTERACTIVE, INC.,

Plaintiff,

v.

TEESPRING, INC.,

Defendant.

Case No. [19-cv-00111-JST](#) (SK)

**NOTICE OF SETTLEMENT
CONFERENCE AND SETTLEMENT
CONFERENCE ORDER**

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter was referred to Magistrate Judge Sallie Kim for settlement purposes.

You are hereby notified that a Settlement Conference is scheduled for **May 28, 2020 at 9:30 a.m.** in Courtroom C, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102.

It is the responsibility of counsel to ensure that whatever discovery is needed for all sides to evaluate the case for settlement purposes is completed by the date of the Settlement Conference. Counsel shall cooperate in providing discovery informally and expeditiously.

Lead trial counsel shall appear at the Settlement Conference with the parties. Any party who is not a natural person shall be represented by the person(s) with **unlimited** authority to negotiate a settlement. A person who needs to call another person not present before agreeing to any settlement does not have full authority. An insured party shall appear with a representative of the carrier with full authority to negotiate up to the limits of coverage. Personal attendance of a party representative will rarely be excused by the Court, and then only upon separate written application demonstrating substantial hardship served on opposing counsel and lodged as early as the basis for the hardship is known but no later than the Settlement Conference Statement.

If parties have not previously made settlement offers, Plaintiff shall submit a

settlement demand no fewer than 14 calendar days prior to the Settlement Conference. Defendant shall submit a response to the demand no later than 7 days before the Settlement Conference.

Each party shall prepare a Settlement Conference Statement, which must be LODGED with the undersigned's Chambers (NOT electronically filed) no later than fourteen (14) calendar days prior to the conference. Please 3-hole punch the document at the left side.

All parties shall also submit their Settlement Conference Statement in .pdf format and email their statement to SKSettlement@cand.uscourts.gov.

The Settlement Conference Statement must be served on opposing counsel. The Settlement Conference Statement shall not exceed ten (10) pages of text and twenty (20) pages of exhibits and **must** include the following:

1. A brief statement of the facts of the case.
2. A brief statement of the claims and defenses including, but not limited to, statutory or other grounds upon which the claims are founded and a candid evaluation of the parties' likelihood of prevailing on the claims and defenses.
3. A list of the key facts in dispute and a brief statement of the specific evidence relevant to a determination of those facts.
4. A summary of the proceedings to date and any pending motions.
5. An estimate of the cost and time to be expended for further discovery, pretrial and trial.
6. The relief sought, including an itemization of damages.
7. The party's position on settlement, including present demands and offers and a history of past settlement discussions.

Any party may submit an additional confidential settlement letter to the Court not to exceed three (3) pages, and the contents of this confidential settlement letter will not be disclosed to the other parties. However, parties may not refuse to share information in the items 1 through 7 above. The parties should title any additional confidential settlement letter as such and also denote

on each page, either in the header or footer, that the letter is “Not Shared.”

It is not unusual for the conference to last eight (8) or more hours. The parties should be prepared to discuss such issues as:

1. Their settlement objectives.
2. Any impediments to settlement they perceive.
3. Whether they have enough information to discuss settlement. If not, what additional information is needed?
4. The possibility of a creative resolution of the dispute.

The parties shall notify Chambers immediately at (415) 522-2112 if this case settles prior to the date set for Settlement Conference. Counsel shall provide a copy of this order to each party who will participate in the conference.

IT IS SO ORDERED.

Dated: January 23, 2020



SALLIE KIM
United States Magistrate Judge